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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,197	01/29/2001	Joseph J. Sanelle	81285CIP	9117
23685	7590	02/18/2004	EXAMINER	
KRIEGSMAN & KRIEGSMAN 665 FRANKLIN STREET FRAMINGHAM, MA 01702			CHUNG, DAVID Y	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,197

Applicant(s)

SANELLE ET AL.

Examiner

David Y. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,7-10,13,14,17-24,28-37 and 42-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,11,12,15,16,25-27 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 5, 6, 11, 12 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (U.S. 5,818,559) in further view of Bahadur (Liquid Crystals 1990).

As to claim 1, note the following elements in figure 1: liquid crystal (10), resin substrates (8 and 12), transparent electrodes (9 and 11), phase retarders (6 and 14), adhesive layers (5, 7, 13 and 15), polarizing films (3 and 17), and protective films (2, 4, 16 and 18). Protective film 4 is considered the first transparent plate. Protective film 18 is considered the second transparent plate. Yoshida discloses that the substrate of the liquid crystal cell and the protective films require high transparency. See column 1, lines 10-35.

Yoshida does not explicitly state that the polarizers are crossed. Bahadur discloses that for cases other than when perpendicular viewing is very important, normally white mode with crossed polarizing axes was standard. See page 189. It

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would have been obvious to one of ordinary skill in the art at the time of invention to cross the polarizers because it was the most widely applicable arrangement.

As to claim 5, the protective film 2 in figure 1 of Yoshida is considered the third transparent plate.

As to claims 2 and 6, discloses that the protective films are made of resin instead of glass. It was well known that glass was cheap to manufacture and had a high level of transparency. Yoshida discloses that the protective films require a high level of transparency as discussed above. It would have been obvious to one of ordinary skill in the art at the time of invention to form the protective films with glass because glass was cheap to manufacture and satisfied the level of transparency required for the protective film.

As to claim 11, Yoshida does not explicitly disclose an active matrix liquid crystal display panel. Bahadur discloses that active matrix displays can realize a very high quality image, suitable for color TV displays and computer monitors. See page 172. It would have been obvious to one of ordinary skill in the art at the time of invention for the display panel of Yoshida to be active matrix because of the high image quality.

As to claim 12, Yoshida discloses that a backlight is provided on the surface of polarizing sheet III, which would be behind the second transparent plate (protective film 18). See column 7, lines 1-2.

As to claim 16, figure 1 of Yoshida shows the front polarizer (polarizer 3) adhered directly to the third transparent plate (protective film 2).

2. Claims 25-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota (U.S. 3,869,196) in further view of Sampica et al. (U.S. 5,867,241) and Mikura et al. (U.S. 5,880,800).

As to claim 25, note the following elements in figure 5: glass plates 15 and 15', conductive transparent films 16 and 16', liquid crystal material 17, spacers 18 and 18', polarizing films 19 and 19', and exterior glass plates 20 and 20'. Kubota discloses that the axes of the polarizing films are at right angles. See column 4, lines 17-19.

Kubota does not disclose adhering the various elements with an index-matched pressure sensitive adhesive. Mikura et al. discloses that pressure sensitive adhesives are excellent in heat resistance and moisture resistance, are difficult to cause foaming and peeling even in a high temperature and high humidity atmosphere, and are therefore particularly suitable for use in the formation of a liquid crystal display. See column 1, lines 5-10. It would have been obvious to one of ordinary skill in the art at the

invention to adhere the various elements of Kubota using a pressure sensitive adhesive because of its excellent heat resistance and moisture resistance.

Mikura et al. does not disclose an index matched pressure sensitive adhesive. Sampica et al. discloses that within an LCD, it is critical to the display performance for the index of refraction of the adhesive to closely match that of the optical components. See column 1, lines 25-30. It would have been obvious to one of ordinary skill in the art at the time of invention to select a pressure sensitive adhesive such that the index of refraction of the adhesive matched the index of refraction of the optical components of the LCD because this was critical to the display performance. Examiner considers Index-matched pressure sensitive adhesive to be an optical bonding material.

As to claim 26, Kubota discloses that the exterior plates 20 and 20' are made of glass. See column 4, lines 27-30.

As to claim 27, Kubota discloses that the exterior plates are made of glass instead of plastic. However, it was well known that plastic was more flexible and was much less likely to crack or shatter than glass. It would have been obvious to one of ordinary skill in the art at the time of invention to form the exterior plates using plastic instead of glass because of the increased flexibility and the reduced risk of cracking or shattering.

3. Claims 38-41 rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al. (U.S. 6,572,941) in further view of Mikura et al. (U.S. 5,880,800) and Sampica et al. (U.S. 5,867,241).

Note the following elements in figure 3 of Murakami et al.: PET film 101, front polarizer 102, rear polarizer 203, and liquid crystal cell 201. The PET film 101 is considered to be the transparent cover. The front polarizer 102 is separated from the liquid crystal cell 201 by an air gap formed between resistive membranes 111 and 131.

Murakami et al. does not disclose adhering the various elements with an index-matched pressure sensitive adhesive. Mikura et al. discloses that pressure sensitive adhesives are excellent in heat resistance and moisture resistance, are difficult to cause foaming and peeling even in a high temperature and high humidity atmosphere, and are therefore particularly suitable for use in the formation of a liquid crystal display. See column 1, lines 5-10. It would have been obvious to one of ordinary skill in the art at the invention to adhere the various elements of Murakami et al. using a pressure sensitive adhesive because of its excellent heat resistance and moisture resistance.

Mikura et al. does not disclose an index matched pressure sensitive adhesive. Sampica et al. discloses that within an LCD, it is critical to the display performance for the index of refraction of the adhesive to closely match that of the optical components. See column 1, lines 25-30. It would have been obvious to one of ordinary skill in the art at the time of invention to select a pressure sensitive adhesive such that the index of

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refraction of the adhesive matched the index of refraction of the optical components of the LCD because this was critical to the display performance.

Murakami et al. does not disclose the structure of the liquid crystal cell. However, it was known that the basic structure of a liquid crystal cell comprised two transparent substrates, each having a transparent conductive layer formed thereon, sandwiching a layer of liquid crystal such that the two transparent conductive layers oppose each other within the cell. It was known that this structure was the most cost-effective for producing an LCD. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to form an LCD having this structure because it was cost-effective.

As to claim 40, Murakami et al. discloses a PET resin 101 formed over polarizer 102.

As to claim 41, Murakami et al. discloses a touch screen. See abstract.

As to claim 39, Murakami et al. discloses a PET resin cover instead of a glass cover. It was well known that glass was cheaper to manufacture and had a higher level of transparency than PET resin. It would have been obvious to one of ordinary skill in the art at the time of invention to form the front cover with glass instead of PET resin because glass was cheaper to manufacture and had a higher level of transparency.

4. Claims 38-41 rejected under 35 U.S.C. 103(a) as being unpatentable over Ziegler (U.S. 4,657,348) in further view of Mikura et al. (U.S. 5,880,800) and Sampica et al. (U.S. 5,867,241).

Note the following elements in figure 1 of Ziegler: front cover 18, front circular polarizer 19, LCD cell 11, and rear linear polarizer 14. Note the triangular air gap between the front polarizer 19 and the liquid crystal cell 11.

Ziegler does not disclose adhering the various elements with an index-matched pressure sensitive adhesive. Mikura et al. discloses that pressure sensitive adhesives are excellent in heat resistance and moisture resistance, are difficult to cause foaming and peeling even in a high temperature and high humidity atmosphere, and are therefore particularly suitable for use in the formation of a liquid crystal display. See column 1, lines 5-10. It would have been obvious to one of ordinary skill in the art at the invention to adhere the various elements of Ziegler using a pressure sensitive adhesive because of its excellent heat resistance and moisture resistance.

Mikura et al. does not disclose an index matched pressure sensitive adhesive. Sampica et al. discloses that within an LCD, it is critical to the display performance for the index of refraction of the adhesive to closely match that of the optical components. See column 1, lines 25-30. It would have been obvious to one of ordinary skill in the art at the time of invention to select a pressure sensitive adhesive such that the index of refraction of the adhesive matched the index of refraction of the optical components of the LCD because this was critical to the display performance.

Ziegler does not disclose the structure of the liquid crystal cell. However, it was known that the basic structure of a liquid crystal cell comprised two transparent substrates, each having a transparent conductive layer formed thereon, sandwiching a layer of liquid crystal such that the two transparent conductive layers oppose each other within the cell. It was known that this structure was the most cost-effective for producing an LCD. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to form an LCD having this structure because it was cost-effective.

As to claim 39, Ziegler does not disclose forming the front cover from glass. It was well known that glass was cheaper to manufacture and had a higher level of transparency than plastic. It would have been obvious to one of ordinary skill in the art at the time of invention to form the front cover with glass because glass was cheaper to manufacture and had a higher level of transparency than plastic.

As to claim 40, Ziegler does not disclose forming the front cover from plastic. It was well known that plastic was more flexible and was much less likely to crack or shatter than glass. It would have been obvious to one of ordinary skill in the art at the time of invention to form the exterior plates using plastic because plastic was more flexible and less likely to crack or shatter than glass.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,181,394. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between the claims is that claim 1 of the current application omits the electromagnetic interference shield and merely recites basic structural elements of conventional liquid crystal display panels.


Response to Arguments

Applicant's arguments with respect to claims 1, 2, 5, 6, 11, 12, 15, 16, 25-27 and 38-41 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Chung whose telephone number is (571) 272-2288. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:00 pm.


JAMES DUDEK
PRIMARY EXAMINER